

104TH CONGRESS
1ST SESSION

H. R. 1838

IN THE SENATE OF THE UNITED STATES

NOVEMBER 8, 1995

Received; read twice and referred to the Committee on Energy and Natural
Resources

AN ACT

To provide for an exchange of lands with the Water
Conservancy District of Washington County, Utah.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. EXCHANGE OF LANDS WITH THE WATER CON-**
4 **SERVANCY DISTRICT OF WASHINGTON COUN-**
5 **TY, UTAH.**

6 (a) IN GENERAL.—Subject to the provisions of this
7 Act, if within 18 months after the date of the enactment
8 of this Act, the Water Conservancy District of Washington

1 County, Utah, offers to transfer to the United States all
2 right, title, and interest of the District in and to the
3 Bulloch Site, the Secretary of the Interior shall, in ex-
4 change, transfer to the District all right, title, and interest
5 of the United States in and to the Sand Hollow Site, the
6 Quail Creek Pipeline and Quail Creek Reservoir, subject
7 to valid existing rights.

8 (b) WATER RIGHTS ASSOCIATED WITH THE
9 BULLOCH SITE.—The water rights associated with the
10 Bulloch Site shall not be included in the transfer under
11 subsection (a) but shall be subject to an agreement be-
12 tween the District and the Secretary that the water re-
13 main in the Virgin River as an instream flow from the
14 Bulloch Site to the diversion point of the District at the
15 Quail Creek Reservoir.

16 (c) WITHDRAWAL OF MINERAL INTERESTS.—Subject
17 to valid existing rights, the mineral interests underlying
18 the Sand Hollow Site, the Quail Creek Reservoir, and the
19 Quail Creek Pipeline are hereby withdrawn from disposi-
20 tion under the public land laws and from location, entry,
21 and patent under the mining laws of the United States,
22 from the operation of the mineral leasing laws of the
23 United States, from the operation of the Geothermal
24 Steam Act of 1970, and from the operation of the Act

1 of July 31, 1947, commonly known as the “Materials Act
2 of 1947” (30 U.S.C. 601 et seq.).

3 (d) GRAZING.—The exchange of lands under sub-
4 section (a) shall be subject to agreement by the District
5 to continue to permit the grazing of domestic livestock on
6 the Sand Hollow Site under the terms and conditions of
7 existing Federal grazing leases or permits, except that the
8 District, upon terminating any such lease or permit, shall
9 fully compensate the holder of the terminated lease or per-
10 mit.

11 **SEC. 2. EQUALIZATION OF VALUES.**

12 The value of the lands transferred out of Federal
13 ownership under section 1 either shall be equal to the
14 value of the lands received by the Secretary under section
15 1 or, if not, shall be equalized by—

16 (1) to the extent possible, transfer of all right,
17 title, and interest of the District in and to lands in
18 Washington County, Utah, and water rights of the
19 District associated thereto, which are within the
20 area providing habitat for the desert tortoise, as de-
21 termined by the Director of the Bureau of Land
22 Management;

23 (2) transfer of all right, title, and interest of
24 the District in and to lands in the Smith Site and
25 water rights of the District associated thereto; and

1 (3) the payment of money of the Secretary, to
2 the extent that lands and rights transferred under
3 paragraphs (1) and (2) are not sufficient to equalize
4 the values of the lands exchanged under section 1.

5 **SEC. 3. MANAGEMENT OF LANDS ACQUIRED BY UNITED**
6 **STATES.**

7 Lands acquired by the Secretary under this Act shall
8 be administered by the Secretary, acting through the Di-
9 rector of the Bureau of Land Management, in accordance
10 with the provisions of law generally applicable to the pub-
11 lic lands, including the Federal Land Policy and Manage-
12 ment Act of 1976 (43 U.S.C. 1701 et seq.).

13 **SEC. 4. NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.**

14 The exchange of lands under this Act is not subject
15 to section 102 of the National Environmental Policy Act
16 of 1969 (42 U.S.C. 4332).

17 **SEC. 5. DEFINITIONS.**

18 As used in this Act:

19 (1) DISTRICT.—The term “District” means the
20 Water Conservancy District of Washington County,
21 Utah.

22 (2) SECRETARY.—The term “Secretary” means
23 the Secretary of the Interior.

24 (3) BULLOCH SITE.—The term “Bulloch Site”
25 means the lands located in Kane County, Utah, ad-

1 jacent to Zion National Park, more particularly de-
 2 scribed as follows:

BULLOCH SITE

	Section	Acres
T 39 S R 9 W (Private)	32 S $\frac{1}{2}$	320
	33 SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$	180
	Total	500
T 40 S R 9 W (State)	5 S $\frac{1}{2}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$	400
	6 S $\frac{1}{2}$, NE $\frac{1}{4}$	480
	Total	880
GRAND TOTAL		1,380

3 (4) SAND HOLLOW SITE.—The term “Sand
 4 Hollow Site” means the lands located in Washington
 5 County, Utah, more particularly described as fol-
 6 lows:

SAND HOLLOW RESERVOIR SITE

	Section	Acres
T 42 S R 14 W	13 SW $\frac{1}{4}$	160
	23 E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$	480
	24 All	640
	26 NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{2}$	320
	25 All	640
T 42 S R 13 W	19 W $\frac{1}{2}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$	360
	30 W $\frac{1}{2}$, W $\frac{1}{2}$ NE $\frac{1}{4}$	400
GRAND TOTAL		3,000

7 (5) QUAIL CREEK PIPELINE.—The term “Quail
 8 Creek Pipeline” means the lands located in Wash-
 9 ington County, Utah, more particularly described as
 10 follows:

QUAIL CREEK PIPELINE

	Section	Acres
T 41 S R 12 W River-pipeline	30 NW $\frac{1}{4}$ NW $\frac{1}{4}$	40
Total		40

1 (6) QUAIL CREEK RESERVOIR.—The term
2 “Quail Creek Reservoir” means the lands located in
3 Washington County, Utah, more particularly de-
4 scribed as follows:

QUAIL CREEK RESERVOIR

	Section	Acres
T 41 S R 14 W	23 Tract 38	9.51
	23 Lot 2	40.00
	23 SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$	2.50
	Total	52.01
	25 W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$	20
	25 SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$	10
	25 W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$	5
	25 NW $\frac{1}{4}$ SW $\frac{1}{4}$	40
	25 W $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$	10
	Total	85
	26 Lot 1	15.97
	26 Lot 8	40.00
	26 Lot 12	17.45
	26 Lot 15	42.23
	26 Lot 16	42.39
	26 SE $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
Total		198.04
	35 E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$	40.00
	35 SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.00
	35 W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$	20.00
	35 NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$	10.00
	35 N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$	20.00
	35 NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$	10.00
	35 N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$	5.00
Total		145.00
Grand Total		480.05

1 (7) SMITH SITE.—The term “Smith Site”
 2 means the lands located in Washington County,
 3 Utah, adjacent to Zion National Park and more par-
 4 ticularly described as follows:

SMITH PROPERTY

Section

T 40 S R 11 W	5 Lots 3, 4, 5, 6, 7, 8, 9, 10, & 11 E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ 6 Lot 1, S $\frac{1}{2}$, NE $\frac{1}{4}$ and beginning at a point 2 rods west of the northeast cor- ner of the northeast quarter of the southeast quarter; thence east 2 rods; thence south 80 rods; thence west 16 rods; thence in a northeasterly direc- tion to the point of beginning 8 E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ and lots 1 & 2 ex- cepting the south 1200 feet of the SE $\frac{1}{4}$ SW $\frac{1}{4}$
T 39 S R 11 W	30 W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ 31 E $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ and lots 3 & 4 32 SW $\frac{1}{4}$ Containing 1,550 acres more or less

Passed the House of Representatives November 7,
 1995.

Attest:

ROBIN H. CARLE,
Clerk.